Information on the use of regulatory choices under Directive 2011/83/EU

NOTIFICATION BY BELGIUM OF 7 JUNE 2022

UNOFFICIAL TRANSLATION

Article of Directive 2011/83/EU ("CRD")	
Article 9(1a) and Article 16(2) Article 9. 1a. Member States may adopt rules in accordance with which the withdrawal period of 14 days referred to in paragraph 1 is extended to 30 days for contracts concluded in the context of unsolicited visits by a trader to a consumer's home or excursions organised by a trader with the aim or effect of promoting or selling products to consumers for the purpose of protecting legitimate interests of consumers with regard to aggressive or misleading marketing or selling practices. Such rules shall be proportionate, non-discriminatory and justified on grounds of consumer protection. Article 16(2) Member States may derogate from the exceptions from the right of	In Article VI.66 of the Economic Law Code, introduced by the Law of 21 December 2013 and last amended by the Law of 22 April 2016, the current text of which will form paragraph (1), paragraph (2) is added, worded as follows: '2) In the context of unsolicited visits by a company to a consumer's home or commercial excursions organised by a company with the aim or effect of promoting or selling products to consumers, in order to protect the legitimate interests of consumers with regard to aggressive or misleading marketing or selling practices, the King may, by decree, enacted after due deliberation in the Council of Ministers, take measures to protect the legitimate interests of consumers with regard to aggressive or misleading marketing or selling practices, for the sectors He identifies. Such provisions shall be proportionate, non-discriminatory and justified on grounds of consumer protection. Before proposing a decree in accordance with the first subparagraph, the Minister shall consult the Special Consultative Consumer Commission and the Superior Council for Self-Employed Persons and SMEs.' Belgium does not make use of this regulatory option.

withdrawal set out in points (a), (b), (c) and (e) of the first paragraph for contracts concluded in the context of unsolicited visits by a trader to a consumer's home or excursions organised by a trader with the aim or effect of promoting or selling products to consumers for the purpose of protecting the legitimate interests of consumers with regard to aggressive or misleading marketing or selling practices. Such provisions shall be proportionate, non-discriminatory and justified on grounds of consumer protection.	
Article 16(3)	
In the case of service contracts which place the consumer under an obligation to pay where the consumer has specifically requested a visit from the trader for the purpose of carrying out repairs, Member States may provide that the consumer loses the right of withdrawal after the service has been fully performed provided that the performance has begun with the consumer's prior express consent.	Belgium does not make use of this regulatory option.